Remarks

Applicants respectfully traverse this restriction requirement based in part upon MPEP 1850. An international application should relate to only one invention or, if there is more than one invention, the inclusion of those inventions in one international application is only permitted if all inventions are so linked as to form a single general inventive concept (PCT Rule 13.1). With respect to a group of inventions claimed in an international application, unity of invention exists only when there is a technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" is defined in PCT Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art. See MPEP 1850 II. Determination of "Unity of Invention."

The present application entered the US national phase through the PCT under 35 U.S.C. 371. The prosecution of an international application that enters the national stage proceeds in the same manner as a domestic application except in restriction practice where the "unity of invention" standard is applied under 37 CFR § 1.475. See MPEP § 1893.03. Unity of invention was not questioned in the international phase before the PCT preliminary examining authority.

Applicants respectfully assert that the Office does not appreciate the technical relationship provided in the claims. The Office indicates that the species listed in the claims do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features since "[t]he species are compounds with different chemical structures and properties and disease with different mechanisms and clinical effects." Applicants respectfully submit that the essence of the invention resides in the dosing regimen, not the various species listed as Chk1 activators and Chk1 inhibitors in the claims. More particularly, the invention pertains to contacting aberrantly proliferating cells with at least one Chk1 activator for from about 30 minutes to about 96 hours in an amount sufficient to substantially synchronize cell cycle arrest at a target phase and upon achieving said synchronization contacting said cells with a selective Chk1 inhibitor for from up to about 1 hour to up to about 72 hours in an amount sufficient to substantially abrogate said cell cycle arrest. This dosing regimen is the focus of these claims. As such, Applicants respectfully assert that the claimed dosing regimen provides the special technical feature that supply a contribution over the prior art and is necessary for unity of invention. Therefore, requirement for restriction in the present application is improper.

In light of the above, Applicants assert that the requirement for restriction in the present application is improper and request that the Office rejoin the species presented for the pending claims.

Respectfully submitted,

/Danica Hostettler/

Danica Hostettler
Attorney for Applicants
Registration No. 51,820
Phone: 317.276.3711

Eli Lilly and Company
Patent Division/
P.O. Box 6288
Indianapolis, Indiana 46206-6288

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